

### **REMARKS / ARGUMENTS**

In Response to the Office Action dated March 31, 2004, Applicants herewith submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c) to overcome the obviousness-type double patenting rejection of claims 1-12, 20 and 21 in light of U.S. Patent No. 6,673,306. With the filing of the Terminal Disclaimer, it is believed that all of the claims are now in condition for allowance, and favorable action is therefore respectfully requested. Applicants wish to point out that claim 18 has been amended to become dependent on claim 13 instead of claim 14. It is respectfully submitted that this amendment does not affect the allowability of the claim. At this time, it is also respectfully requested that the Examiner acknowledge receipt of the Information Disclosure Statement filed on **March 5, 2004**, wherein Applicants cited art from the aforementioned '306 patent.

Applicants also respectfully request clarification of the Examiner's comment on page 3 of the Office Action, wherein the Examiner indicated that the Affidavits of Messrs. Poeta and Patterson indicated that "prior to the development of Applicant's invention, those skilled in the impact pad art felt that forming impact pads from a plurality of joined refractory bricks was not feasible and contrary to the accepted wisdom in the art." Applicants respectfully submit that Messrs. Poeta and Patterson stated that a "preformed cast ladle bottom" having a brick impact pad *embedded therein* was generally not known, and was considered contrary to the accepted wisdom of the art. To avoid possible misunderstandings by third parties, it is respectfully requested that the Examiner reconsider and clarify his statements regarding the Affidavits of Messrs. Poeta and Patterson.

Application No. 10/726,086  
Amendment dated March 31, 2004  
RESPONSE TO OFFICE ACTION dated May 6, 2004

Respectfully submitted,

Date: May 6, 2004

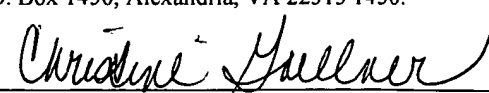
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 6, 2004

  
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Christine Goellner